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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/537,242	03/28/2000	Marc Lamberton	FR9-1999-0018	4830

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EXAMINER

COULTER, KENNETH R

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 12/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/537,242

Applicant(s)

LAMBERTON ET AL.

Examiner

Kenneth R Coulter

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: .

DETAILED ACTION

Claim Objections

Claim 20 is objected to because of the following informalities: "said router **bing**".
Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 14 recites the limitation "said candidate routes" in lines 6 - 7. There is insufficient antecedent basis for this limitation in the claim.

Claim 20 recites the limitation "said router bing" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 – 27 are rejected under 35 U.S.C. 102(b) as being disclosed by Li et al. (U.S. Pat. No. 5,473,599) (Standby Router Protocol).

2.1 Regarding claim 14, Li discloses a method of selecting a router by an IP host in a data transmission system transmitting packetized data from said IP host having at least an IP layer and a network layer to a plurality of workstations by the intermediary of an IP network and wherein said IP host is coupled to said IP network via a layer 2 network interfacing said IP network by a set of routers, comprising the method steps of:

sending periodically a unicast ARP (address resolution protocol) request to all candidate routers, said candidate routers selected from said set of routers (col. 1, line 65 – col. 2, line 8; col. 16, lines 1 - 7);

transmitting to all IP hosts instructions to update their ARP table with router availability information (col. 2, lines 3 – 7; “the router send out gratuitous ARP packets so that other network entities using IP **update their ARP tables** to reflect that the router is now using a group virtual MAC address” col. 16, lines 1 - 7).

2.2 Per claim 15, Li teaches that router availability information is the MAC address of said router when said router is available and has answered (col. 16, lines 1 - 7).

2.3 Regarding claim 16, Li discloses that said IP hosts update their ARP table when said IP hosts receive said MAC address of said requested router (col. 16, lines 1 - 7).

2.4 Per claim 17, Li teaches that said router availability information is a default value of said MAC address of said available router (col. 1, line 51 – col. 2, line 8).

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2.5 Regarding claim 18, Li discloses that said IP hosts update their ARP table by removing said IP address of a router when said router is determined to be unavailable (col. 12, lines 61 - 66).

2.6 Per claims 19 and 20, Li teaches that said router being requested is considered unavailable when it has not answered three monitoring requests in a sequence from said router monitoring device (col. 1, lines 25 - 39).

2.7 Regarding claims 1 - 13 and 21 - 27, the rejection of claims 14 - 20 under 35 USC 102(b) above (paragraphs 2.1 - 2.6) applies fully.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth R Coulter whose telephone number is 703 305-8447. The examiner can normally be reached on 5 4 9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 703 305-4003. The fax phone number for the organization where this application or proceeding is assigned is 703 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-9700.

KENNETH R. COULTER
PRIMARY EXAMINER


krc